

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
March 15, 2022 AT 6:30 P.M.
via remote participation with instructions posted to www.salem.com/calendar
in accordance with Chapter 20 of the Acts of 2021.**

Pursuant to Chapter 40A, Section 5 of the Massachusetts General Laws, the City Council will hold a joint public hearing with the Planning Board via remote participation, in accordance with Chapter 20 of the Acts of 2021, on March 15, 2022 at 6:30 P.M. Please see agenda when posted for zoom link. The purpose of the public hearing is to provide interested parties with an opportunity to comment on the following two (2) proposed Zoning Amendments:

1. Zoning Ordinance Amending Sec. 6.8 Visibility at Intersections
2. Zoning Ordinance Amending Urban Agriculture

1. An Ordinance to amend the Zoning Ordinance regarding Sec. 6.8 Visibility at Intersections

Be it Ordained by the City Council of the City of Salem as follows:

Section 1. Section 6.8 Visibility at Intersections of Chapter 6 – Special Regulations is hereby amended by replacing the word twenty-five (25) with thirty-five (35) as follows:

“In order to provide unobstructed visibility at intersections, no sign, fence, wall, hedge or other structure or planting of more than three (3) feet above the established street grade shall be erected, placed or maintained within the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are thirty-five (35) feet distant from the point of intersection, measured along said street lines.”

Section 2 . This Ordinance shall take effect as provided by City Charter.

2. Zoning Ordinance Amendment for Urban Agriculture summarized below:

This proposed ordinance shall allow residents to sell whole, unprocessed produce grown on site as an accessory use. It also allows for the keeping of domestic fowl and honeybees, as well as the sale of fresh honey and eggs produced on-site. These activities are subject to some restrictions, outlined below, to ensure they remain compatible with their urban surroundings.

Section 1. Section 10 of the Zoning Ordinance is hereby amended by deleting the definitions for *Agricultural use, nonexempt; Coop; Customary agricultural, horticultural and floricultural operations; Farm stand, nonexempt;* and *Urban agriculture* in their entirety and inserting the following new definitions: “Agriculture, Urban (Urban Agriculture), Arbor, Coldframe, Composting, Coop, Domestic fowl, Commercial Farm, Exempt (noun): Protected by G.L. c. 40A, § 3, Roof Farm, Yard Farm, Farm Stand (Accessory), Farm Structures, Garden, home/yard, Greenhouse, Honeybee, Hoop house, Raised Bed”

Section 2. Section 3.1 Table of Principal and Accessory Use Regulations of the Zoning Ordinance is hereby amended by deleting the following uses: within B. EXEMPT AND INSTITUTIONAL USES: within C. COMMERCIAL USES: and within E ACCESSORY USES: and inserting the following new uses within the Table:

TABLE OF PRINCIPAL AND ACCESSORY USE REGULATIONS											
PRINCIPAL USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
B. EXEMPT AND INSTITUTIONAL USES											
Commercial Farm, Exempt:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Urban Agriculture (Subject to Section 3.2.7):	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garden, home/yard	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Section 3. Section 3.2 - Accessory Uses of the Zoning Ordinance is hereby amended by deleting Section 3.2.7 *Urban Agriculture* and Section 3.2.1 *Customary Agricultural, Horticultural and Floricultural Operations* in their entirety and replacing it with the following:

3.2.7 Urban Agriculture

Urban Agriculture is allowed as an Accessory Use in all zoning districts, provided that no Urban Agriculture activity shall be conducted, nor Farm Structure erected, except in compliance herewith and with any other applicable laws, rules regulations including without limitation the building code and any requirements of the Salem Board of Health.

1. **Sale of Products:** The on-site sale of agricultural products, including whole, unprocessed produce, honey or eggs, is allowed subject to the certain provisions:
 - a. Retail sale display areas shall not exceed fifty square feet.
 - b. One Farm Stand is allowed per lot.
 - c. No sales display, sign or Structure, including a Farm Stand, shall be located on a public sidewalk or street or block vehicle and/or pedestrian flow.
 - d. Signage shall be limited to one (1) sign and not exceed six (6) square feet; signs shall not be illuminated or require electricity. No off premises signs are allowed.
 - e. All products sold on the Lot must be produced on-site. For purposes of this Ordinance, the term “produced on-site means” grown on the Lot or, in the case of domestic fowl or honey bees produced on the Lot by the animals kept thereon.

- f. Sales of products shall be permitted between the hours of 7:00 am and 6:00 pm., May 1 to October 31st. Sales shall not be permitted more than three days per week and no more than 25 total days per year.

2. Domestic Fowl: Domestic fowl must be owned by a resident of the dwelling on the lot who shall be responsible. No roosters shall be kept under an Urban Agricultural use or any other use on lots in Salem. Dimensional Regulations including specific maximum height, size, setback requirements Any domestic fowl-keeping use or structure in existence prior to the adoption of this Ordinance shall be allowed to continue, as per the zoning code enforcement standards of other pre-existing nonconforming uses and structures. Any future alterations to applicable pre-existing uses or structures shall seek necessary approvals.

3. Honeybees: Honeybees must be owned by a resident of the dwelling on the lot who shall be responsible for the care and control of the Honeybees. A maximum of two (2) hives with additional hives pending approval from the Salem Board of Health. Additional Board of Health regulations may further limit the number and/or manner of keeping of honeybees on lot. There shall be Dimensional Regulations, set back regulations, hive placement and flyways, specific rooftop beekeeping requirements with dimensional regulations, setback requirements and hive placement and flyways

4. Yard Farms: Yard farms may be kept on residential properties only. Ownership, care and control of the farm shall be the responsibility of a resident of the dwelling on the lot. Land devoted to the Yard Farm shall be well-maintained and free from debris, noxious odor and excessively tall weeds and grass. They are subject to applicable setbacks and dimensional regulations. All accessory structures shall also be well-maintained in a safe condition.

5. Roof Farms: Ownership, care and control of the roof farm shall be the responsibility of the owner or tenant of Lot.

6. Farm Structures: Farm structures such as arbors, greenhouses, hoop houses and cold frames, shall be allowed as accessory structures subject to certain specified provisions:

7. Composting: Composting must be contained within an enclosed bin that does not have direct contact with flammable materials. There shall be specific setback requirements and accessory composting shall be used primarily to support onsite operations and shall comprise no more than five (5%) percent of the Lot area.”

The complete text of these two (2) proposed amendments to the Zoning Ordinance are on file and are available for inspection during regular business hours at the office of the City Clerk, 93 Washington Street, or the Planning Department, 98 Washington St.

ATTEST:

ILENE SIMONS
CITY CLERK

WILLIAM GRISET
PLANNING BOARD CHAIR

Adv: 3/1/22 & 3/8/22